

**IN THE HIGH COURT OF UTTARANCHAL AT
NAINITAL.**

Writ Petition No. 1137 (S/S) of 2006

Bhagirathi Pathak,
W/o Sri Daya Krishan Pathak,
R/o Officers Colony,
Room No. 39, Type – II,
Narsingh Bari, Almora.

...Petitioner

Versus

1. State of Uttaranchal through Secretary, Health, Secretariat, Dehradun.
2. The Chief Medical Officer, Almora.
3. The Incharge Medical Officer, Primary Health Centre, Hawalbagh, Almora.

.....Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Vinod Sharma, learned counsel for the petitioner and Sri Paresh Tripathi, learned counsel for State of Uttaranchal on behalf of respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

- I. Issue a writ, order or direction in the nature of Certiorari to quashing the impugned order dated 01.08.2006 (Annexure No. 1) passed by respondents no. 2 and 3.*
- II. Any other appropriate order or direction, may also be passed which this Hon'ble Court may deem fit and proper under the circumstances of the case.*
- III. Cost of the petition may kindly be awarded.*

Petitioner is aggrieved with the order dated 01.08.2006 passed by Chief Medical Officer, Almora transferring the

petitioner, who is working as ANM, from Primary Health Centre, Hawalbag to Primary Health Centre, Salt.

The petitioner has challenged the transfer order on various grounds. First, while transferring the petitioner respondent no. 2 has not followed the Transfer Policy dated 27.06.2006 issued by State Government. The transfer order is made in the mid session and the policy does not empower the authorities to make transfer after 10.07.2006 and in case, transfer is to be made after 10.07.2006 the same may be made after approval from the higher authority. Though the impugned transfer was made after 10.07.2006 no approval was sought from higher authority. Second, husband of the petitioner is also government servant working as Supervisor in Public Works Department and there is provision to place the husband and wife at one place as far as possible. Third, petitioner is unable to walk on uneven terrain, as certified by the Medical Officer, GTR Base Hospital, Almora.

Certified attached to the writ petition has been obtained after issuance of transfer order.

Petitioner has further alleged there are number of ANMs having long stay than that of petitioner and these ANMs were not transferred and petitioner has been isolated for being transfer in spite of the fact that her husband is also government servant working as Supervisor in Public Works Department and there is provision to place the husband and wife at one place as far as it is possible.

Petitioner has already moved representation dated 18.08.2006 raising all her grievances before Chief Medical Officer, Almora, which is Annexure no. 4 to the writ petition.

In the circumstances aforesaid, I deem it fit and proper to direct Chief Medical Officer, Almora to take decision on the representation of petitioner dated 18.08.2006 (Annexure No. 4 to the writ petition) by speaking order within a period of two weeks from the date of production of certified copy of this order.

With this direction the writ petition as well as stay application no. 10667 of 2006 is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

August 22, 2006
SKSharma